

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design, including Real Time Pricing, to Revise its Customer Energy Statements, and to Seek Recovery of Incremental Expenditures. (U39M).	Application 10-03-014 (Filed March 22, 2010)
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**DECISION GRANTING REQUEST OF CENTER FOR ACCESSIBLE  
TECHNOLOGY FOR ITSELF AND AS SUCCESSOR TO DISABILITY RIGHTS  
ADVOCATES FOR INTERVENOR COMPENSATION FOR SUBSTANTIAL  
CONTRIBUTION TO DECISION 12-03-015**

<b>Claimant: Center for Accessible Technology (CforAT) for its own work and as the successor to Disability Rights Advocates (DisabRA)</b>	<b>For contribution to D.12-03-015</b>
<b>Claimed (\$): \$41,474.30</b>	<b>Awarded (\$): \$41,474.30</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Thomas Pulsifer</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	The Decision approved a settlement between Pacific Gas and Electric Company and all participating intervenors (including the Center for Accessible Technology acting on its own behalf and as the successor to Disability Rights Advocates) regarding proposals to revise and improve PG&E's customer energy statement.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	May 19, 2010	Yes
2. Other Specified Date for NOI:	N/A	
3. Date NOI Filed:	DisabRA: June 18, 2010 CforAT: August 29, 2011 See notes, below.	Correct
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
6. Date of ALJ ruling:	CforAT: October 21, 2011	Correct
7. Based on another CPUC determination (specify):	DisabRA: See notes, below.	
8. Has the Claimant demonstrated customer or customer-related status?		
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	DisabRA: A.10-03-014. CforAT: A.10-03-014.	Correct
10. Date of ALJ ruling:	DisabRA: November 30, 2010. CforAT: October 31, 2011.	Correct
11. Based on another CPUC determination (specify):	N/A	
12. Has the Claimant demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-03-015.	Correct
14. Date of Issuance of Final Order or Decision:	March 13, 2012.	Correct
15. File date of compensation request:	May 5, 2012.	Correct
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Claimant	Comment
3	CforAT	CforAT filed a Motion for Party Status and an NOI on the same date, August 29, 2011. As discussed in the Motion for Party Status, CforAT requested authorization to act as the successor to Disability Rights Advocates, and adopt prior filings and testimony prepared by DisabRA as its own. This request was made following an agreement between CforAT and DisabRA regarding representation of the interests of the disability community before the Commission. The ALJ's Ruling on CforAT's showing of financial hardship, issued on October 31, 2011, characterized CforAT's filing as timely.
3	DisabRA	DisabRA's initial NOI was timely in that it was filed no later than 30 days after the prehearing conference was held in this proceeding.
7	DisabRA	In its NOI, filed on June 18, 2010, DisabRA asserted its status as a "Category 3 customer" based on its bylaws which conform to the requirements of Pub. Util. Code § 1802(b)(1)(C). In the ALJ's Ruling finding that DisabRA made a showing of significant financial hardship, issued on November 30, 2010, the ALJ did not address DisabRA's status as a Category 3 customer. However, DisabRA has been found to be a Category 3 customer on numerous occasions, most recently in D.12-03-051, granting compensation to DisabRA for its substantial contribution in Phase I of PG&E's 2011 General Rate case.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Claimant's description of its claimed contribution to the final decision**

1. DisabRA and CforAT raised issues concerning the accessibility of PG&E's Revised Customer Energy Statement (RCES), including both the standard format and the proposed "low-vision" version. DisabRA and CforAT further raised issues concerning the effectiveness of outreach to the disability community to allow this community to understand and make use of the full range of material being provided to customers by PG&E.	Final Decision at p. 9 (summarizing testimony of Dmitri Belser). As discussed below, the final settlement agreement adopted by the decision addresses each of these issues.	Yes
2. PG&E's proposed design changes for the RCES include multiple items intended to provide accessible information for customers with disabilities, including:	Throughout this phase of the proceeding, both DisabRA and CforAT advocated for inclusion of these items, consistent with the requirements of D.07-07-047, the terms of the 2011 GRC Phase 1 Settlement between	Yes

<ul style="list-style-type: none"> <li>• Presentation of PG&amp;E's TTY number as prominently as the main customer service number and presentation of key information in large print;</li> <li>• Specific list of "key information" items will be included in 14-point, sans serif font on the standard bill;</li> <li>• PG&amp;E will make available a new, optional "low-vision" bill that will include additional information in large print;</li> <li>• PG&amp;E and CforAT will continue to discuss options for providing an audio-format bill to customers;</li> <li>• PG&amp;E's eventual advice letter filing regarding RCES will include a reference to PG&amp;E's commitment to provide website accessibility, including accessibility of the online bill payment feature, in keeping with its prior commitments.</li> </ul>	<p>DisabRA and PG&amp;E, and accessibility mandates of state and federal law.</p> <p>Final Decision at p. 10.</p> <p>Final Decision at p. 11.</p> <p>Final Decision at p. 12.</p> <p>Final Decision at p. 12.</p> <p>Final Decision at p. 11.</p>	<p>Yes</p>
<p>3. PG&amp;E agreed to address the needs of the disability community in its outreach regarding RCES in multiple ways, including:</p> <ul style="list-style-type: none"> <li>• PG&amp;E agrees to conduct targeted outreach to hard-to-reach groups, including the disabled community;</li> <li>• Printed materials intended for outreach to the disability community will include, in large print, PG&amp;E's customer service number, including TTY, and will include information about the availability of alternative formats for the energy statement;</li> </ul>	<p>Final Decision at p. 12.</p> <p>Final Decision at pp. 12-13.</p>	<p>Yes</p>
<p>4. PG&amp;E agreed to hold (and has held)</p>	<p>Settlement Agreement, §V.C.</p>	<p>Yes</p>

targeted “low vision” focus groups to assist in its understanding of how people with low vision can best access and utilize the information being incorporated into RCES.		
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b>	Yes.	Correct
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes.	Correct
<b>c. If so, provide name of other parties: Disability Rights Advocates, TURN, Greenlining Institute, DRA.</b>		Correct
<b>d. Claimant’s description of how it coordinated with DRA and other parties to avoid duplication or how Claimant’s participation supplemented, complemented, or contributed to that of another party:</b>  All of the consumer advocates participating in the proceeding were concerned about the clarity and usefulness of the billing information included in PG&E’s proposed revised customer energy statement (RCES). Disability Right Advocates and the Center for Accessible Technology, on its own and acting as DisabRA’s successor, focused specifically on the accessibility of the information in the RCES to customers with vision disabilities, including the availability of “low-vision bills” and the inclusion of key information in large print in standard bills. No other party focused on this issue.  When CforAT sought party status, it requested and received permission to adopt DisabRA’s prior filings and testimony as its own so that it would not duplicate the work previously contributed by DisabRA. DisabRA ceased to participate as an active party when CforAT obtained party status. CforAT was represented by Melissa Kasnitz, who had previously led all work in this proceeding for DisabRA before she moved her Commission practice to CforAT. The expert testimony submitted for DisabRA was prepared by Dmitri Belser, the Executive Director of CforAT. Because the actual advocates representing the interests of the disability community did not change, notwithstanding the formal substitution of parties, there was no inefficiency or duplication of effort between DisabRA and CforAT.  Where the interests of disabled customers and other customer groups overlapped, DisabRA/CforAT coordinated with TURN, Greenlining and DRA. DisabRA/CforAT did not focus on issues concerning the costs of the RCES, because TURN and DRA addressed that issue on behalf of consumers generally.		Correct

**C. Additional Comments on Part II:**

#	Claimant	Comment
10.d.		As described in the sections on substantial contribution and coordination with other parties, above, the interests of the disability community were represented throughout this proceeding, with a smooth transition from DisabRA to CforAT. The organizations entered into an agreement to allow CforAT to adopt the prior filings and other work by DisabRA, and DisabRA ceased to act as an active party once CforAT joined the proceeding. The advocates representing the disability community, including lead attorney Melissa Kasnitz and expert Dmitri Belser, remained the same through the organizational shift. Neither PG&E nor any other active party raised any concerns regarding the transition.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION****A. General Claim of Reasonableness (§§ 1801 & 1806):**

<p><b>a. Claimant's explanation of how its participation bears a reasonable relationship with benefits realized through participation.</b></p> <p>DisabRA/CforAT obtained clear benefits for their constituents, primarily people with vision disabilities, by ensuring that PG&amp;E's bill redesign provides increased accessibility for its standard billing format, by ensuring that accessible alternative format bills are available, and by ensuring that education and outreach information surrounding the new bill is targeted to the disability community and provided in an accessible manner. While it is difficult to put a dollar figure on these benefits, no party disputes that accessibility is an important component of PG&amp;E's bill, and that accessibility concerns were required to be addressed in order for PG&amp;E to comply with prior Commission decisions as well as state and federal law.</p> <p>Because the overall number of hours were reasonable and the proceeding was staffed and managed efficiently, as described in detail below, the non-dollar benefits obtained bear a reasonable relationship with the reasonable costs incurred.</p>	<p><b>CPUC Verified</b></p> <p>Correct</p>
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>In its initial NOI, filed on June 18, 2012, DisabRA estimated that it would spend approximately 320 hours to address issues that were subsequently divided into Phase 2 and Phase 3 of this General Rate Case. DisabRA eventually requested</p>	

<p>compensation for a greater number of hours for Phase 2, including hearings and briefing. For Phase 3, the total amount of time spent to address issues concerning the RCES by both disability organizations in reaching a comprehensive settlement is approximately 100 hours.</p> <p>During the time that DisabRA represented the disability community in this proceeding, the matter was generally staffed by its senior attorney, Melissa Kasnitz, and a junior attorney, primarily Karla Gilbride, who billed at a substantially lower rate. Ms. Kasnitz and Ms. Gilbride worked together efficiently. Nevertheless, in light of recent Intervenor Compensation decisions and in exercising billing judgment, DisabRA has omitted certain time entries from its billing records which reflect potentially duplicative activities. These deductions include instances in which more than one attorney performed the same task (e.g. when two attorneys reviewed the same materials). Similarly, when DisabRA attorneys engaged in in-house conferences or emails regarding substantive tasks, DisabRA has submitted time entries for only one attorney. The attached time records reflect these deductions; for example, where there is a time entry from one attorney showing that a meeting took place, but there is no corresponding entry from the other attorney, this is because the corresponding entry was omitted.</p>	Correct
<p><b>c. Allocation of Hours by Issue.</b></p> <p>While participating in this phase of the proceeding, DisabRA/CforAT focused solely on the issue of accessibility of RCES, including the content and the surrounding education and outreach material. Thus, the only issues identified by DisabRA/CforAT are “Accessibility” and “General Participation.” “General Participation” includes activities necessary to follow the procedural development of the proceeding, coordinate with other parties, and effectively participate in all relevant activities. Time spent participating in multi-party settlement meetings and reviewing settlement documents were designated as “General Participation” because procedural issues and issues of concern to other consumer groups were addressed, even though access issues were also part of the multi-party process, and were the focus of DisabRA/CforAT. Time spent on “Accessibility” also includes time spent after the agreement was finalized working on implementation issues, such as the low-vision focus groups to review the accessibility of the standard RCES.</p> <p>For DisabRA, approximately 77% of the recorded time was spent on Accessibility and 23% was of the recorded time was spent on General Participation. For CforAT attorney time, 62% was spent on Accessibility and 38% was spent on General Participation (including participation in multi-party settlement meetings and review of settlement documents). For expert Dmitri Belser, 100% all time requested was spent on Accessibility.</p> <p>CforAT also spent 15.5 hours preparing this compensation request. This includes more hours than might typically be required based on the complexity of this phase of the proceeding because it is the first compensation request filed by the organization. Because of this, more detail is needed to demonstrate eligibility. In addition, this is the first compensation request to address the transition of</p>	Correct

responsibility between CforAT and DisabRA (approximately 10 additional proceedings are pending in which responsibility was transferred in a similar manner). CforAT expects that it will be more efficient in preparing eventual compensation requests in these other proceedings as its own advocates and the Commission's compensation staff become more familiar with the most effective way to characterize the transition.

**B. Specific Claim:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa Kasnitz (DisabRA)_	2010	1.8	\$420	D.11-01-022	\$756	1.8	\$420	\$756
Karla Gilbride (DisabRa)	2010	0.2	\$200	D.11-01-022	\$40	0.2	\$200	\$40
Melissa Kasnitz (DisabRA)	2011	24.4	\$420	D.12-03-051	\$10,248	24.4	\$420	\$10,248
Karla Gilbride (DisabRA)	2011	19.4	\$210	D.12-03-051	\$3,990	19.4	\$210	\$3,990
Rebecca Williford (DisabRA)	2011	1.2	\$160	See comments, below.	\$192	1.2	\$160	\$192
Dmitri Belser (DisabRA Expert)	2011	21.0	\$225	See comments below, invoice attached with costs (but only included once in totals)	\$4,725	21.0	\$225	\$4,725
Melissa Kasnitz (CforAT)	2011	28.7	\$420	See comments, below.	\$12,054	28.7	\$420	\$12,054
Dmitri Belser (CforAT)	2011	11.2	\$225	See comments, below.	\$2,520	11.2	\$225	\$2,520
Melissa Kasnitz (CforAT)	2012	5.7	\$420	See comments, below.	\$2,394	5.7	\$420	\$2,394
Dmitri Belser (CforAT)	2012	1.2	\$225	See comments, below.	\$270	1.2	\$225	\$270
	Subtotal:				\$37,189.00	Subtotal:		\$37,189.00
OTHER FEES								

Paralegal (DisabRA)	2011	8.8	\$110		\$968	8.8	\$110	\$968
[Person 2]								
	Subtotal:				\$968	Subtotal:		\$968
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Melissa Kasnitz (CforAT)	2011	2.7	\$210	½ regular hourly rate, see above.	\$567	2.7	\$210	\$567
Melissa Kasnitz (CforAT)	2012	12.8	\$210	½ regular hourly rate, see above.	\$2,688	12.8	\$210	\$2,688
	Subtotal:				\$3,255	Subtotal:		
COSTS								
#	Item	Detail			Amount	Amount		
	Postage (DisabRA)				\$3.70	\$3.70		
	Photocopies (DisabRA)				\$51.30	\$51.30		
	Expert	Dmitri Belser; 21 hours at \$225 per hour. Invoice attached, but compensation is addressed above as an expert fee.			\$0	\$0		
	Travel (CforAT)	BART round trip to attend multi-party settlement meeting at PG&E offices (9/30/11)			\$7.00	\$7.00		
Subtotal:					\$62.00	Subtotal:		\$62.00
TOTAL REQUEST \$:					\$41,474.30	TOTAL AWARD \$:		\$41,474.30
**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.								

**C. Comments on Part III (not attached to final Decision)**

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
	<p><b>Justification of proposed 2011 rate for Rebecca Williford:</b></p> <p>No rate has previously been set for Rebecca Williford, a 2009 law school graduate. DisabRA has requested the rate of \$160 in its request for compensation in I.07-01-022 <i>et al.</i>, filed on July 11, 2011, in its request for compensation in R.09-12-017 <i>et al.</i>, filed on July 11, 2011, and in its request for compensation in Phase II of this proceeding, A.10-03-014, filed on August 1, 2011. In D.12-03-051, the Commission approved the</p>

	same rate of \$160 for Kara Werner, who is a law school peer to Rebecca Williford with comparable experience. The proposed rate of \$160 should be approved.
	<p><b>Justification of rate for expert Dmitri Belser:</b></p> <p>Dmitri Belser is the Executive Director of the Center for Accessible Technology, and he has frequently served as an expert witness in CPUC proceedings addressing effective communication with people with disabilities. As in this application, he served as an outside expert for Disability Rights Advocates, where he billed at an hourly rate for work performed (documented in the attached invoice as a cost for DisabRA). Now that CforAT has become an active party in this proceeding, he is also seeking compensation for time spent that has not been billed previously.</p> <p>Mr. Belser's last approved rate before the CPUC was \$125 per hour for work performed in 2008, which was the rate he was then billing clients of CforAT. <i>See</i> D.09-10-025. This rate was unchanged since 2006. <i>See</i> D.08-01-033; <i>see also</i> D.11-07-024, D.09-03-018. In 2011, based on an understanding that his prior rate was well below the market rate charged by other access experts working in similar areas, Mr. Belser raised his rate to \$225 per hour. This rate was charged to DisabRA prior to the change in active parties in this proceeding, and is reflected in DisabRA's costs. It is also reflected in the request for compensation for work by Mr. Belser for CforAT in 2011 and 2012.</p> <p>As noted in Mr. Belser's testimony in this and other proceedings, Mr. Belser has over 30 years of experience working in the disability community, with a great deal of focus on issues of effective communication. He has led CforAT for 12 years, and has been the president of the Ed Roberts Campus, designed as a hub for a variety of organizations serving the disability community in Berkeley and a center for disability rights. His expertise has never been challenged in this, or any other proceeding, and PG&amp;E has specifically noted the usefulness of his contributions.</p> <p>In 2011, the CPUC's approved rate range for experts with any amount over 13 years of experience was \$155 - \$390 (<i>see</i> Resolution ALJ 267 at p. 5); the rate of \$225 per hour sought for Mr. Belser is well within that range. The proposed new rate is also now consistent with the rates that other access experts charge for comparable work. For example, Gregg Vanderheiden is an expert on accessible technology, particularly involving self-service kiosks, and he is the head of the Trace Research Center at the University of Wisconsin at Madison. His regular hourly rate that he charges to consult on access issues is \$300 per hour. Another technology access organization, the Paciello Group, provides professional consulting, technology solutions, and monitoring services to help government agencies, technology vendors, e-commerce corporations, and educational institutions provide technology access. The hourly rate for services from the Paciello Group is \$262 per hour.</p> <p>Experts addressing internet accessibility often charge lower rates for evaluation and remediation work, but charge up to \$350 per hour for senior staff. In its work for private clients addressing web access, CforAT charges a blended rate of \$185 per hour regardless of who is performing the work. This is consistent with a rate of \$225 for Mr. Belser, as the most senior person on the team, together with lower rates for the more junior staff.</p> <p>If Mr. Belser's proposed rate of \$225 is approved for 2011, he is not seeking a further increase for 2012.</p>

	<p><b>Justification of proposed 2011 and 2012 rate for Melissa Kasnitz:</b></p> <p>Melissa Kasnitz is seeking the same rate for her work at CforAT in 2011 as was authorized for her work at DisabRA. In D.12-03-051, the Commission approved her rate of \$420 per hour in 2011.</p> <p>This compensation request includes 5.7 hours of merits time by Ms. Kasnitz in 2012. Because of the limited number of hours dedicated to this proceeding in 2012, and the fact that most of them involved work to implement the agreement reached in 2011, CforAT is requesting compensation for this time at the same rate as for 2011. CforAT reserves the right to request an increase in Ms. Kasnitz's rate for 2012 in future compensation requests.</p>
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### **FINDINGS OF FACT**

1. Claimant has made a substantial contribution to Decision (D.) 12-03-015.
2. The requested hourly rates for Claimant's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$41,474.30.

### **CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

### **ORDER**

1. Claimant is awarded \$41,474.30.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Claimant the total award. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 19, 2012, the 75<sup>th</sup> day after the filing of Claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.